
SUBSTITUTE SENATE BILL 5130

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Parks, Fish & Wildlife (originally sponsored by Senators Swecker, Jacobsen, Hewitt, Oke, Carlson, Morton, Haugen, Winsley, Eide, Horn, Honeyford, Fairley, Esser, Prentice, Roach, Deccio, T. Sheldon, Parlette, Rossi, Fraser, Mulliken and Rasmussen)

READ FIRST TIME 02/11/03.

1 AN ACT Relating to expanding the private sponsorship of state
2 parks, recreation areas, and other natural resource facilities;
3 amending RCW 77.04.055; reenacting and amending RCW 79A.05.030; adding
4 a new section to chapter 43.30 RCW; and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that state parks and
7 state recreation areas are a valuable asset of the state of Washington,
8 contributing to the health and well-being of the people of the state,
9 and contributing to the economies of surrounding communities.
10 Increasing use of state parks and other recreation areas coupled with
11 limited resources is creating a crisis for the parks and recreation
12 system. Maintenance of state facilities is being deferred, and
13 selected parks are being closed.

14 The legislature further finds that sponsorship of selected parks or
15 other natural resource facilities by a private entity could decrease
16 costs and contribute to the improvement of services and facilities.

17 Therefore, the legislature encourages state agencies that manage
18 recreation lands and natural resource facilities to enter into
19 agreements with private entities as appropriate to improve the

1 operation of our parks, recreation areas, or other natural resource
2 facilities. Further, the legislature strongly encourages the state
3 natural resource agencies to use all available means to avoid closure
4 of state-owned or leased parks and facilities.

5 **Sec. 2.** RCW 79A.05.030 and 1999 c 249 s 302, 1999 c 155 s 1, and
6 1999 c 59 s 1 are each reenacted and amended to read as follows:

7 The commission shall:

8 (1) Have the care, charge, control, and supervision of all parks
9 and parkways acquired or set aside by the state for park or parkway
10 purposes.

11 (2) Adopt policies, and adopt, issue, and enforce rules pertaining
12 to the use, care, and administration of state parks and parkways. The
13 commission shall cause a copy of the rules to be kept posted in a
14 conspicuous place in every state park to which they are applicable, but
15 failure to post or keep any rule posted shall be no defense to any
16 prosecution for the violation thereof.

17 (3) Permit the use of state parks and parkways by the public under
18 such rules as shall be adopted.

19 (4) Clear, drain, grade, seed, and otherwise improve or beautify
20 parks and parkways, and erect structures, buildings, fireplaces, and
21 comfort stations and build and maintain paths, trails, and roadways
22 through or on parks and parkways.

23 (5) Grant concessions or leases in state parks and parkways, upon
24 such rentals, fees, or percentage of income or profits and for such
25 terms, in no event longer than fifty years, and upon such conditions as
26 shall be approved by the commission: PROVIDED, That leases exceeding
27 a twenty-year term shall require a unanimous vote of the commission:
28 PROVIDED FURTHER, That if, during the term of any concession or lease,
29 it is the opinion of the commission that it would be in the best
30 interest of the state, the commission may, with the consent of the
31 concessionaire or lessee, alter and amend the terms and conditions of
32 such concession or lease: PROVIDED FURTHER, That television station
33 leases shall be subject to the provisions of RCW 79A.05.085, only:
34 PROVIDED FURTHER, That the rates of such concessions or leases shall be
35 renegotiated at five-year intervals. No concession shall be granted
36 which will prevent the public from having free access to the scenic
37 attractions of any park or parkway.

1 (6) Contract with private sponsors for individual parks when the
2 commission determines that sponsorship would decrease costs, improve
3 service, avoid park closures, or otherwise be in the best interest of
4 the park system. Sponsors may provide support to existing commission
5 employees for park management, including routine building and grounds
6 maintenance, security, parks operations, park renovations, or
7 development of new facilities. Sponsorship should augment but not
8 replace the functions of current commission employees. The commission
9 shall recognize the efforts of any participating sponsor by erecting
10 and maintaining signs with the sponsor's name at the park entry,
11 information kiosk, or other appropriate location.

12 (7) Employ such assistance as it deems necessary. Commission
13 expenses relating to its use of volunteer assistance shall be limited
14 to premiums or assessments for the insurance of volunteers by the
15 department of labor and industries, compensation of staff who assist
16 volunteers, materials and equipment used in authorized volunteer
17 projects, training, reimbursement of volunteer travel as provided in
18 RCW 43.03.050 and 43.03.060, and other reasonable expenses relating to
19 volunteer recognition. The commission, at its discretion, may waive
20 commission fees otherwise applicable to volunteers. The commission
21 shall not use volunteers to replace or supplant classified positions.
22 The use of volunteers may not lead to the elimination of any employees
23 or permanent positions in the bargaining unit.

24 (~~(7)~~) (8) By majority vote of its authorized membership select
25 and purchase or obtain options upon, lease, or otherwise acquire for
26 and in the name of the state such tracts of land, including shore and
27 tide lands, for park and parkway purposes as it deems proper. If the
28 commission cannot acquire any tract at a price it deems reasonable, it
29 may, by majority vote of its authorized membership, obtain title
30 thereto, or any part thereof, by condemnation proceedings conducted by
31 the attorney general as provided for the condemnation of rights of way
32 for state highways. Option agreements executed under authority of this
33 subsection shall be valid only if:

34 (a) The cost of the option agreement does not exceed one dollar;
35 and

36 (b) Moneys used for the purchase of the option agreement are from
37 (i) funds appropriated therefor, or (ii) funds appropriated for

1 undesignated land acquisitions, or (iii) funds deemed by the commission
2 to be in excess of the amount necessary for the purposes for which they
3 were appropriated; and

4 (c) The maximum amount payable for the property upon exercise of
5 the option does not exceed the appraised value of the property.

6 (8) Cooperate with the United States, or any county or city of this
7 state, in any matter pertaining to the acquisition, development,
8 redevelopment, renovation, care, control, or supervision of any park or
9 parkway, and enter into contracts in writing to that end. All parks or
10 parkways, to which the state contributed or in whose care, control, or
11 supervision the state participated pursuant to the provisions of this
12 section, shall be governed by the provisions hereof.

13 **Sec. 3.** RCW 77.04.055 and 2000 c 107 s 204 are each amended to
14 read as follows:

15 (1) In establishing policies to preserve, protect, and perpetuate
16 wildlife, fish, and wildlife and fish habitat, the commission shall
17 meet annually with the governor to:

18 (a) Review and prescribe basic goals and objectives related to
19 those policies; and

20 (b) Review the performance of the department in implementing fish
21 and wildlife policies.

22 The commission shall maximize fishing, hunting, and outdoor
23 recreational opportunities compatible with healthy and diverse fish and
24 wildlife populations.

25 (2) The commission shall establish hunting, trapping, and fishing
26 seasons and prescribe the time, place, manner, and methods that may be
27 used to harvest or enjoy game fish and wildlife.

28 (3) The commission shall establish provisions regulating food fish
29 and shellfish as provided in RCW 77.12.047.

30 (4) The commission shall have final approval authority for tribal,
31 interstate, international, and any other department agreements relating
32 to fish and wildlife.

33 (5) The commission shall adopt rules to implement the state's fish
34 and wildlife laws.

35 (6) The commission shall have final approval authority for the
36 department's budget proposals.

1 (7) The commission shall select its own staff and shall appoint the
2 director of the department. The director and commission staff shall
3 serve at the pleasure of the commission.

4 (8) The commission may contract with private sponsors for any
5 commission access site or facility, including hatcheries, when the
6 commission finds that sponsorship would decrease costs, improve
7 service, avoid site or facility closure, or otherwise be in the best
8 interest of the state. Sponsors may assume responsibility for any
9 aspect of fish and wildlife facility management, including routine
10 building and grounds maintenance, security, operations, renovations, or
11 development of new facilities. Sponsorship should augment but not
12 replace the functions of current employees. The commission shall
13 recognize the efforts of any participating sponsor by erecting and
14 maintaining signs with the sponsor's name at the facility entry,
15 information kiosk, or other appropriate location.

16 NEW SECTION. Sec. 4. A new section is added to chapter 43.30 RCW
17 to read as follows:

18 The department may contract with private sponsors for any
19 recreation site managed by the department when the department
20 determines that sponsorship would decrease costs, improve service,
21 avoid recreation site closure, or otherwise be in the best interest of
22 the state. Sponsors may assume responsibility for any aspect of
23 recreation site management, including routine building and grounds
24 maintenance, security, operations, renovations, or development of new
25 facilities. Sponsorship should augment but not replace the functions
26 of current employees. The department shall recognize the efforts of
27 any participating sponsor by erecting and maintaining signs with the
28 sponsor's name at the recreation site entry, information kiosk, or
29 other appropriate location.

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